



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
1333 ISAAC HULL AVENUE
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00A5/DON-NAVY-2012-000069F

June 28, 2018

Mr. Michael Ravnitzky
1905 August Drive
Silver Spring, MD 20902

SUBJECT: FREEDOM OF INFORMATION ACT CASE DON-NAVY 2012-000069

Dear Mr. Ravnitzky:

This is a final response to your October 10, 2011, Freedom of Information Act (FOIA) request, originally submitted to the Defense Technical Information Center (DTIC), for a copy of DTIC Report AD-B808627, dated December 21, 1946. During the processing of your request, the FOIA office at DTIC determined that the requested report fell under the release authority of the Commander, Naval Sea Systems Command (NAVSEA). A copy of your request and the pertinent record was transferred to NAVSEA for action and direct response to you.

At the time of referral, DTIC Report AD-B808627, entitled Warheads and Fuses for Guided Missiles (Lecture at New War Department Building on December 11, 1946), was classified Confidential. A classification review was conducted and a determination made that DTIC Report AD-B808627 be unclassified, and marked Distribution Statement D: Distribution authorized to Department of Defense and U.S. contractors only: Administrative and Operational, May 2012.

I considered your request under the FOIA, 5 U.S.C. 552, as amended, and Secretary of the Navy Instruction 5720.42F. After careful review of the documents identified above, I determined they contain critical technical data categorized as "Distribution D" technical data that can only be released to Distribution authorized to Department of Defense and U.S. contractors only. As such, I am denying the release of this data under exemption (b)(3). Exemption 3 requires the withholding of information prohibited from disclosure by another statute provided that the statute "(A) requires that the matters

be withheld from the public in such a manner as to leave no discretion on the issue or (B) establishes a particular criteria for withholding or refers to particular types of matters to be withheld."

10 U.S.C. 130 and the Department of Defense (DoD) implementing directive, DoD Directive 5230.25, prohibit the disclosure of technical data with military or space application in the possession of, or under the control of, the Department of Defense, if such data may not be exported lawfully outside the United States with an approval, authorization, or license under the Arms Export Control Act. 10 U.S.C. § 130 is an exemption 3 statute.

I am the official responsible for the decision regarding your request. You are advised of your right to appeal this decision. Should you decide to appeal this determination, you must do so in writing to:

Department of the Navy
Office of the General Counsel
1000 Navy Pentagon, Room 4E365
Washington, DC 20350-1000

Your appeal must be postmarked within 90 calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and to ensure full consideration of your appeal, it should contain a brief statement of the reasons you believe this decision to be in error.

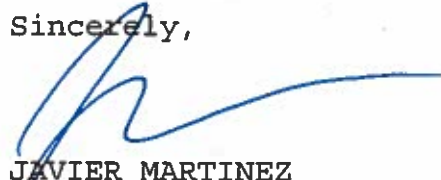
For this determination, you also have the right to seek dispute resolution services from either the Department of the Navy FOIA Public Liaison, Mr. Chris Julka, at: Christopher.a.julka@navy.mil, via phone: (703) 697-0031; or by contacting the Office of Government Information Services at: (<https://ogis.archives.gov/>), (202) 741-5770, ogis@nara.gov.

Questions regarding the action taken by this office to process your request may be directed to the Navy FOIA Service Center at (202) 685-0412 or via email at donfoia-pa@navy.mil.

Fees for processing your request have been waived in this instance. However, fees are assessed on a case-by-case basis and you may be charged for future requests.

If you have any questions concerning the foregoing, please contact Ms. Donna Hamlin, at 202-781-2437.

Sincerely,



A handwritten signature in blue ink, appearing to read 'Javier Martinez', is written over the typed name.

JAVIER MARTINEZ
Initial Denial Authority